

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

HENRY ERIK YAPIAS

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CR. NO. 3:06CR204-MEF

**ORDER**

The defendant by consent has appeared before a United States Magistrate Judge and has entered a plea of guilty. The Magistrate Judge has accepted the plea of guilty and has adjudicated the defendant guilty. Accordingly, it is ORDERED as follows:

1. That sentencing of the defendant be, and the same is, hereby set on **February 15, 2007**, at **9:00 a.m.** in the Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.
2. That in accordance with Rule 32(f)(1), *Federal Rules of Criminal Procedure*, on or before **January 25, 2007**, counsel for the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report.
3. That, unless excused in writing by the Chief U.S. Probation Officer of this district, counsel for the parties shall be available for a conference with the probation officer on **January 26, 2007**, at **10:00 a.m.**, to discuss and resolve, if possible, factual and legal issues contained in the presentence report. If the probation officer determines or if any of the parties request that a personal meeting be held to resolve the issues, such meeting shall be at **the U.S. Probation Office, One Church Street, Montgomery, AL**, on the above date and time. Such request for a personal conference shall be made to the probation officer within five (5) calendar days after receipt of the presentence report. Otherwise, the conference shall be held telephonically. Any motion for downward departure shall be filed on or before the conference date with the probation officer, unless based on unknown and unforeseen circumstances arising after that date, in which case the motion must be filed promptly upon discovery of such circumstances.

Nothing contained in this Order shall be construed as impairing the rights of any party as established in the Constitution or laws of the United States.

DONE this the 12<sup>th</sup> day of December, 2006.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE